

FISCAL YEAR 2019

MARK UP

PUBLIC DEFENDER

HOUSE BILL 2012

99th General Assembly
Second Regular Session

Prepared by Senate Appropriations Committee Staff

Public Defender Commission - Director's Office/Legal Services - Section 12.400

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The Director's Office is responsible for centralized administration and coordination of resources, planning functions, fiscal processing, personnel functions, data processing support, conflict case transfers, collection of lien and recoupment monies and other support functions.

Legal Base: Chapter 600 RSMo
Funding Source: General Revenue
FY 2018 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:
No Changes

GOVERNOR:
No Changes

HOUSE:
No Changes

SENATE:

CONFERENCE:

	FY 2017 BUDGET		FY 2017 ACTUAL		FY 2018 BUDGET		FY 2019 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
OFFICE OF THE DIRECTOR - 15111C													
CORE													
PERSONAL SERVICES	29,896,943	595.13	28,355,350	578.95	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13	
GENERAL REVENUE	29,896,943	595.13	28,355,350	578.95	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13	29,896,943	595.13	
EXPENSE & EQUIPMENT	7,879,567	0.00	5,921,158	0.00	7,879,567	0.00	7,879,567	0.00	7,879,567	0.00	7,879,567	0.00	
GENERAL REVENUE	7,879,567	0.00	5,921,158	0.00	7,879,567	0.00	7,879,567	0.00	7,879,567	0.00	7,879,567	0.00	
TOTAL	\$37,776,510	595.13	\$34,276,508	578.95	\$37,776,510	595.13	\$37,776,510	595.13	\$37,776,510	595.13	\$37,776,510	595.13	

Pay Plan - 0000012													
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	0	0.00	127,810	0.00	435,709	0.00	
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	0	0.00	127,810	0.00	435,709	0.00	
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$127,810	0.00	\$435,709	0.00	
Governor recommends \$650 for employees making \$50,000 or less. House recommends \$700 for employees making \$70,000 or less and 1% increase for employees making over \$70,000.													

COMPREHENSIVE COMPENSATION - 1151001													
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	3,295,139	0.00	0	0.00	1,647,570	0.00	

	FY 2017 BUDGET		FY 2017 ACTUAL		FY 2018 BUDGET		FY 2019 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
OFFICE OF THE DIRECTOR - 15111C													
COMPREHENSIVE COMPENSATION - 1151001													
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	3,295,139	0.00	0	0.00	1,647,570	0.00	
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	3,295,139	0.00	0	0.00	1,647,570	0.00	
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$3,295,139	0.00	\$0	0.00	\$1,647,570	0.00	
This request will increase the annual salary of Public Defenders and District Defenders, while also creating higher-level positions for attorney advancement to reduce the high level of turnover.													

JUVENILE ADVOCACY - 1151002

PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	803,592	18.00	0	0.00	401,796	9.00	
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	803,592	18.00	0	0.00	401,796	9.00	
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	170,407	0.00	0	0.00	85,204	0.00	
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	170,407	0.00	0	0.00	85,204	0.00	
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$973,999	18.00	\$0	0.00	\$487,000	9.00	

MSPD is requesting juvenile attorney staffing levels based on a Rubin-Brown staffing study.

CONSTITUTIONAL REPRESENTATION - 1151003

PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	20,620,992	448.00	0	0.00	0	0.00	
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	20,620,992	448.00	0	0.00	0	0.00	

Committee Markup Annual

FY2019 STATE PUBLIC DEFENDER

Regular House Bills

	FY 2017		FY 2017		FY 2018		FY 2019		GOV AS		HOUSE		
	BUDGET		ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
OFFICE OF THE DIRECTOR - 15111C													
CONSTITUTIONAL REPRESENTATION - 1151003													
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	4,893,642	0.00	0	0.00	0	0.00	
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	4,893,642	0.00	0	0.00	0	0.00	
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$25,514,634	448.00	\$0	0.00	\$0	0.00	
This NDI reflects the Missouri State Public Defender's estimate of staffing levels sufficient to provide constitutionally satisfactory representation of criminal defendants.													

TOTAL - OFFICE OF THE DIRECTOR	\$37,776,510	595.13	\$34,276,508	578.95	\$37,776,510	595.13	\$67,560,282	1,061.13	\$37,904,320	595.13	\$40,346,789	604.13	
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Public Defender Commission – Extraordinary Expenses and Conflict Cases - Section 12.400

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This section provides funding for three main types of expenses: payments of expenses associated with the defense or violent crimes, litigation expenses exceeding \$500, and expenses of contracting with private counsel in conflict cases.

In FY2016 the Public Defender Commission contracted with private counsel for representation in 2,893 cases.

Legal Base: Chapter 600 RSMo
Funding Source: General Revenue
FY 2018 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

CONFERENCE:

Committee Markup Annual

FY2019 STATE PUBLIC DEFENDER

Regular House Bills

	FY 2017 BUDGET		FY 2017 ACTUAL		FY 2018 BUDGET		FY 2019 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
EXTRAORDINARY EXPENSE/CONFLIC - 15151C													
CORE													
EXPENSE & EQUIPMENT	3,721,071	0.00	3,721,071	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	
GENERAL REVENUE	3,721,071	0.00	3,721,071	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	
TOTAL	\$3,721,071	0.00	\$3,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	

Public Defender Commission – Legal Defense and Defender Fund - Section 12.400

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This section reflects personal services and expense and equipment requested and recommended from the Legal Defense Fund (funds collected from the indigent).

Legal Base: Chapter 600 RSMo

Funding Source: Legal Defense and Defender Fund

FY 2018 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

Core Reallocation: (\$225,000) Legal Defense and Defender Fund authority from PSD to E&E

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

CONFERENCE:

	FY 2017 BUDGET		FY 2017 ACTUAL		FY 2018 BUDGET		FY 2019 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
LEGAL DEFENSE & DEFENDER FUND - 15141C												
CORE												
PERSONAL SERVICES	135,187	2.00	135,187	1.88	135,187	2.00	135,187	2.00	135,187	2.00	135,187	2.00
OTHER FUNDS	135,187	2.00	135,187	1.88	135,187	2.00	135,187	2.00	135,187	2.00	135,187	2.00
EXPENSE & EQUIPMENT	2,800,756	0.00	876,366	0.00	2,825,756	0.00	2,600,756	0.00	2,600,756	0.00	2,600,756	0.00
OTHER FUNDS	2,800,756	0.00	876,366	0.00	2,825,756	0.00	2,600,756	0.00	2,600,756	0.00	2,600,756	0.00
PROGRAM-SPECIFIC	50,000	0.00	20,929	0.00	25,000	0.00	250,000	0.00	250,000	0.00	250,000	0.00
OTHER FUNDS	50,000	0.00	20,929	0.00	25,000	0.00	250,000	0.00	250,000	0.00	250,000	0.00
TOTAL	\$2,985,943	2.00	\$1,032,482	1.88	\$2,985,943	2.00	\$2,985,943	2.00	\$2,985,943	2.00	\$2,985,943	2.00

Pay Plan - 0000012												
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	0	0.00	650	0.00	1,650	0.00
OTHER FUNDS	0	0.00	0	0.00	0	0.00	0	0.00	650	0.00	1,650	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$650	0.00	\$1,650	0.00

Governor recommends \$650 for employees making \$50,000 or less. House recommends \$700 for employees making \$70,000 or less and 1% increase for employees making over \$70,000.

TOTAL - LEGAL DEFENSE & DEFENDER FUN	\$2,985,943	2.00	\$1,032,482	1.88	\$2,985,943	2.00	\$2,985,943	2.00	\$2,986,593	2.00	\$2,987,593	2.00
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Public Defender Commission – Debt Offset Escrow - Section 12.400

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This section authorizes State Public Defender to intercept Missouri State Income Tax refund checks due to individuals who owe the Missouri State Public Defender System monies for representation.

Legal Base: Chapter 600 RSMo

Funding Source: Escrow Account between the Taxpayer and the Dept of Revenue for Missouri State Public Defender Income Tax Interceptions

FY 2018 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

CONFERENCE:

Language: Governor recommended an “E” on this appropriation. House removed the “E.”

Committee Markup Annual													Regular House Bills
FY2019 STATE PUBLIC DEFENDER													
	FY 2017 BUDGET		FY 2017 ACTUAL		FY 2018 BUDGET		FY 2019 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
DEBT OFFSET ESCROW FUND - 15161C													
CORE													
PROGRAM-SPECIFIC	1,200,000	0.00	1,095,998	0.00	0	0.00	0	0.00	0	0.00	0	0.00	
OTHER FUNDS	1,200,000	0.00	1,095,998	0.00	0	0.00	0	0.00	0	0.00	0	0.00	
FUND TRANSFERS	0	0.00	0	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	
OTHER FUNDS	0	0.00	0	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	
TOTAL	\$1,200,000	0.00	\$1,095,998	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00	

Public Defender Commission – Grants - Section 12.245

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This section provides appropriation authority if grants are received from the federal government.

Legal Base: Chapter 600 RSMo

Funding Source: Federal Funds

FY 2018 Withhold: None

CORE ADJUSTMENTS:

DEPARTMENT:

No Changes

GOVERNOR:

No Changes

HOUSE:

No Changes

SENATE:

CONFERENCE:

	FY 2017 BUDGET		FY 2017 ACTUAL		FY 2018 BUDGET		FY 2019 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
GRANTS - 15131C													
CORE													
PROGRAM-SPECIFIC	125,000	0.00	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	125,000	0.00	
FEDERAL FUNDS	125,000	0.00	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	125,000	0.00	
TOTAL	\$125,000	0.00	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00	
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